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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

In re: CATHODE RAY TUBE (CRT)
ANTITRUST LITIGATION

This Document Relates to:

Electrograph Sys., Inc. v. Hitachi, Ltd.,
No. 11-cv-01656;

Electrograph Sys., Inc. v. Technicolor SA,
No. 13-cv-05724;

Siegel v. Hitachi, Ltd.,
No. 11-cv-05502;

Siegel v. Technicolor SA,
No. 13-cv-05261;

Best Buy Co., Inc. v. Hitachi, Ltd.,
No. 11-cv-05513;

Best Buy Co., Inc. v. Technicolor SA,

) Case No. 07-5944-SC

) MDL No. 1917

) **DECLARATION OF TIFFANY B. GELOTT**
) **IN SUPPORT OF KONINKLIJKE PHILIPS**
) **N.V.'S ADMINISTRATIVE MOTION TO**
) **FILE DOCUMENTS UNDER SEAL**
) **PURSUANT TO CIVIL LOCAL RULES 7-11**
) **AND 79-5(d)**

) Date: February 6, 2015
) Time: 10:00 a.m.
) Place: Courtroom No. 1, 17th Floor

) Hon. Samuel Conti

No. 13-cv-05264;
Interbond Corp. of Am. v. Hitachi, Ltd.,
 No. 11-cv-06275;
Interbond Corp. of Am. v. Technicolor SA,
 No. 13-cv-05727;
Office Depot, Inc. v. Hitachi, Ltd.,
 No. 11-cv-06276;
Office Depot, Inc. v. Technicolor SA,
 No. 13-cv-05726;
CompuCom Sys., Inc. v. Hitachi, Ltd.,
 No. 11-cv-06396;
P.C. Richard & Son Long Island Corp. v.
Hitachi, Ltd.,
 No. 12-cv-02648;
P.C. Richard & Son Long Island Corp. v.
Technicolor SA,
 No. 13-cv-05725;
Schultze Agency Servs., LLC v. Hitachi, Ltd.,
 No. 12-cv-02649;
Schultze Agency Servs., LLC v. Technicolor SA,
 No. 13-cv-05668;
Tech Data Corp. v. Hitachi, Ltd.,
 No. 13-cv-00157;
Sears, Roebuck and Co. and Kmart Corp. v.
Technicolor SA,
 No. 13-cv-05262
Sears, Roebuck and Co. and Kmart Corp. v.
Chunghwa Picture Tubes, Ltd.,
 No. 11-cv-05514
Sharp Electronics Corp. v. Hitachi Ltd.,
 No. 13-cv-1173 SC
Sharp Electronics Corp. v. Koninklijke Philips
Elecs., N.V.,
 No. 13-cv-2776 SC

1 *ViewSonic Corp. v. Chunghwa Picture Tubes,*)
2 *Ltd.,*)
3 No. 14-cv-2510 SC)
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5 *All Indirect Purchaser Actions*)
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1 I, Tiffany B. Gelott, declare and state as follows:

2 1. I am an attorney with Baker Botts LLP, counsel for Koninklijke Philips N.V. (“KPNV”)
 3 in the above-captioned action. I am a member of the bar of the District of Columbia and have been
 4 admitted to practice before this Court on this matter *pro hac vice*. I make this declaration pursuant to
 5 Civil Local Rule 79-5(d) to establish that certain documents containing “Confidential” or “Highly
 6 Confidential” information that have been submitted to the Court in connection with KPNV’s Reply in
 7 Support of Motion for Summary Judgment (“Reply”) are sealable. Except for those matters stated on
 8 information and belief, about which I am informed and believe to be true, I have personal knowledge
 9 of the facts stated herein and, if called as witness, I could and would competently testify thereto.

10 2. On June 18, 2008, the Court approved a “Stipulated Protective Order” in this matter
 11 (Dkt. No. 306) (the “Protective Order”). On January 23, 2015, KPNV filed an Administrative Motion
 12 to Seal, and lodged conditionally under seal, the following documents, or portions thereof, pursuant to
 13 Civil Local Rules 7-11 and 79-5(d):

- 14 • Portions of the Reply that contain information from documents that KPNV has
- 15 designated “Confidential” or “Highly Confidential;” and
- 16 • Exhibits 1-4 to the Declaration of Tiffany B. Gelott in Support of Koninklijke Philips
- 17 N.V.’s Reply in Support of Motion for Summary Judgment (“Gelott Declaration”).

18 3. The documents or portions of the documents submitted under seal contain either (a) material
 19 designated by KPNV pursuant to the Stipulated Protective Order (Dkt. 306, June 18, 2008) as
 20 “Confidential” or “Highly Confidential,” or (b) an analysis of, references to, or information taken
 21 directly from material designated by KPNV pursuant to the Stipulated Protective Order as
 22 “Confidential” or “Highly Confidential.”

23 4. Therefore, pursuant to Civil Local Rule 79-5(d), I also make this declaration on behalf
 24 of KPNV to provide the basis for the Court to maintain under seal certain documents and information
 25 designated by KPNV as “Confidential” and “Highly Confidential” pursuant to the Stipulated Protective
 26 Order, and all references to those documents and information in the Reply and the exhibits to the
 27 Gelott Declaration.

5. Pursuant to Civil Local Rules 7-11 and 79-5(d), this Court's General Order No. 92, Electronic Filing of Documents Under Seal, effective May 10, 2010, and the Stipulated Protective Order, the following Exhibits to the Gelott Declaration should be maintained under seal:

- a. Attached hereto as Exhibit 1 are excerpts of the Deposition of Jan De Lombaerde (10/9/2014) ("Lombaerde Dep."), that KPNV designated as "Highly Confidential" pursuant to the Stipulated Protective Order;
- b. Attached as Exhibit 2 to the Gelott Declaration are excerpts of the Deposition of Franciscus Spaargaren (11/5/2014) ("Spaargaren Dep."), who was designated as a Fed. R. Civ. P. 30(b)(6) witness for KPNV, that KPNV designated as "Highly Confidential" pursuant to the Stipulated Protective Order;
- c. Attached as Exhibit 3 to the Gelott Declaration are excerpts of the Deposition of Jim Smith (12/12/2013) ("Smith Dep.") that KPNV designated as "Highly Confidential" pursuant to the Stipulated Protective Order; and
- d. Attached as Exhibit 4 to the Gelott Declaration are excerpts of the Deposition of Roger De Moor (7/31/2012) ("De Moor Dep."), who was designated as a Fed. R. Civ. P. 30(b)(6) witness for KPNV, that KPNV designated as "Highly Confidential" pursuant to the Stipulated Protective Order.

6. Upon information and belief, the testimony contained within Exhibits 1-4 to the Gelott Declaration was designated by KPNV as "Highly Confidential" pursuant to the Stipulated Protective Order because it contains confidential, nonpublic, and highly sensitive business information about KPNV's sales practices, business and supply agreements, and competitive positions. The testimony describes relationships with companies (including customers and vendors) that remain important to KPNV's and its direct or indirect subsidiaries' competitive positions. Publicly disclosing this sensitive information presents a risk of undermining KPNV's and its direct or indirect subsidiaries' relationships, would cause harm with respect to customers, and would put KPNV and its direct or indirect subsidiaries at a competitive disadvantage.

1 7. The highlighted portions of the Reply that quote from or describe documents or information
2 designated as either “Confidential” or “Highly Confidential” by KPNV pursuant to the Stipulated
3 Protective Order, including Exhibits 1-4 to the Gelott Declaration. I understand that KPNV considers
4 any statements in the Reply that summarize the exhibits and other documents or information
5 designated as either “Confidential” or “Highly Confidential” by KPNV is confidential and proprietary.
6 I am informed and believe that KPNV has taken reasonable steps to preserve the confidentiality of
7 information of the type contained, identified, or cited to in Exhibits 1-3, and referenced in the Reply.

8 I declare under penalty of perjury that the foregoing is true and correct to the best of my
9 knowledge and information.

10 Executed on January 23, 2015 in Washington, D.C.

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12
13 /s/ Tiffany Gelott

14 Tiffany Gelott
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